REMARKS

The Office Action dated July 14, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 2 and 3 have been canceled, and the Abstract and claims 1, 6, 11 and 12 have been amended. No new matter is presented. The amendments to the claims do not narrow the scope of the claims. Claims 1 and 4-12 are pending and respectfully submitted for consideration.

Objection to the Abstract

The Abstract was objected to for minor informalities. The Applicant has amended the Abstract responsive to the objection and respectfully requests withdrawal of the objection.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 6-8, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rattunde (U.S. Patent No. 4,631,042). As noted above, claims 2 and 3 have been canceled. The Applicant traverses the rejection and respectfully submits that claims 1, 6-8, 11 and 12 recite subject matter that is neither disclosed nor suggested by Rattunde.

Rattunde discloses an infinitely variable cone-disk transmission. Fig. 2 of Rattunde illustrates the engagement relationship between the chain and the cone disks where the cone disk pairs 24, 25 and 26, 27 are located on respective shafts 22, 23. The cone disks 24, 26 of the pairs are axially secured on the respective shafts 22, 23, whereas the cone disks 25, 27 are coupled to the cylinder-piston units 28, 29 which

control axial shifting of the respective cone disks 25, 27 in accordance with the double arrows 30, 31 in an axial direction. A steel link chain 34 is looped between the respective cone disk pairs 24, 25 and 26, 27. The position of the chain is illustrated in the 1:1 transmission ratio, that is, the speed of operation of the shafts 22, 23 will be equal. Compression elements 32, 33 contained on the chain are shown since these elements will engage between the respective cone disks. See column 4, lines 50-66 of Rattunde.

With respect to claim 1, the Applicant respectfully submits that Rattunde fails to disclose or suggest the claimed features of the invention. Claim 1, as amended, recites, a belt type continuously variable transmission wherein the center Op is positioned away from the axes of the drive and driven pulleys and that the center Op is positioned on another side across the axes of the drive and driven pulleys opposite to a side of the contact surface in contact with the V belt. The Office Action took the position that Fig. 4 of Rattunde discloses this feature. In contrast, the center of the arc having a first radius of curvature which forms the contact surface in contact with the steel link chain in Rattunde is not positioned on another side across the axes of the movable and fixed cone disk pairs. See Fig. 4 of Rattunde. As such, Rattunde does not disclose or suggest at least the feature of the center Op is positioned on another side across the axes of the drive and driven pulleys opposite to a side of the contact surface in contact with the V belt, as recited in amended claim 1.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, "[a] claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "Every element of the claimed invention must be arranged as in the claim . . . . . [t]he identical invention must be shown in as complete detail as is contained in the patent claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). Accordingly, the Applicant respectfully submits that Rattunde does not disclose or suggest the features of the invention as arranged in claims 1, 2 and 7. Accordingly, Rattunde does not anticipate claims 1, 2 and 7, nor are claims 1, 2 and 7 obvious in view of Rattunde. As such, the Applicant submits that claims 1, 2 and 7 are allowable over the cited art.

Claims 6, 8, 11 and 12 depend from claim 1 and are allowable for at least the same reasons.

Rejections Under 35 U.S.C. § 103

Claims 4, 5, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rattunde in view of Drees et al. (U.S. Patent No. 6,652,403 B2, "Drees").

Rattunde was cited for disclosing many of the claimed elements of the invention with the exception of the V belt comprising a plurality of elements which are connected in series, and a ring, which is placed on saddle faces of the elements; the center Oe of the arc having the second radius of curvature re, which forms the contact surface in contact with the drive and driven pulleys in the cross-sectional view perpendicular to the longitudinal direction of the V belt, is positioned away from upper ends of the saddle faces. Drees was cited for curing this deficiency.

Drees discloses a method for compensating for angular misalignments for a variator of a continuously variable belt-drive transmission having a first cone pulley pair and a second cone pulley pair connected by a pushing linked band as a torque-transmitting element. See column 4, lines 51-54 of Drees. As shown in Fig. 1, Drees discloses a pushing linked band 2 which rotates between two axially adjustable cone pulleys 6, 7.

Claims 4, 5, 9 and 10 depend from claim 1. As discussed above, Rattunde does not disclose or suggest the features of the invention as recited in claim 1. Accordingly, the combination of Rattunde and Drees fails to teach or suggest the features of the invention as recited in dependent claims 4, 5, 9 and 10.

In view of the above, the Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness for purposes of a rejection of claims 4, 5, 9 and 10 under 35 U.S.C. §103.

Conclusion

The Applicant submits that claim 1 is allowable. Claims 4-12 depend from claim 1. The Applicant further submits that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicant respectfully requests withdrawal of the objections and rejections, allowance of claims 1 and 4-12, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108201-00014**.

Respectfully submitted,

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Enclosure: Substitute Abstract
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